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EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Canada, Chile, Denmark*, Finland, Norway* and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Commission on Human Rights,

Recalling General Assembly resolutions 48/120 of 20 December 1993 and 1993/16 of 26 February 1993, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

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* In accordance with rule 69, para. 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling that the General Assembly, in its resolution 48/120 reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in that connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Recalling the conclusions and recommendations of the four meetings of persons chairing the human rights treaty bodies held since 1988 and the endorsement by the General Assembly in its resolution 46/111 of 17 December 1991 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992 of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures,

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 and 12 to 16 October 1992, respectively,

Noting the meeting, in the framework of the World Conference on Human Rights, of persons chairing treaty bodies with those persons chairing each of the principal regional and other human rights bodies,

Noting with satisfaction the interim report of the updated study by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system and the request of the General Assembly that the Commission on Human Rights review the proposals contained in the independent expert's final report with a view to recommending further action,

Recalling that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by treaty bodies and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of treaty bodies,

Taking note of the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights,

1. Urges States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for the purpose of funding the respective committees from the regular budget;

2. Calls upon all States parties to fulfil without delay and in full their financial obligations, including their arrears, under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment until the amendments enter into force;

3. Welcomes the report of the Secretary-General on the implementation of the conclusions and recommendations of the fourth meeting of persons chairing the human rights treaty bodies (A/48/508) and the Vienna Statement of the International Human Rights Treaty Bodies adopted at the meeting, held in the framework of the World Conference on Human Rights, of the chairpersons of treaty bodies with those persons chairing each of the principal regional and other human rights bodies;

4. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

5. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members of the United Nations, in

particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

6. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures, as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

7. Urges the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Designating specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organisation to identify overlap between respective instruments and conventions;

(d) Considering the utility of "global" reports and of replacing comprehensive periodic reports with specifically tailored reports and thematic reports;

8. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services and, further to this end:

(a) Reiterates its request that the Secretary-General report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

(c) Invites the treaty bodies to identify States which could benefit from technical assistance in completing their initial reports;

9. Encourages all treaty bodies to adopt the practice of examining States parties significantly delinquent in their reporting obligations even in the absence of their reports;

10. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

11. Recommends that the reporting guidelines adopted by the treaty bodies be amended to identify gender-specific information to be addressed by States parties in their reports;

12. Invites the persons chairing the human rights treaty bodies at their next meeting to consider means of ensuring information exchange and cooperation among the treaty bodies regarding their practice relating to the human rights of women;

13. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission at its fifty-first session and to the General Assembly at its forty-ninth session;

14. Requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Also requests the Secretary-General to ensure that recent reports of States parties to treaty-monitoring bodies, the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

16. Further requests the Secretary-General to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the

recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies;

17. Decides to consider the question on a priority basis at its fifty-first session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".